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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 BRITTNI COTTLE-BANKS, an individual,  
12 on behalf of herself and of all others  
similarly situated,

13 Plaintiffs,

14 v.

15 COX COMMUNICATIONS, INC., a  
16 Delaware Corporation; and DOES 1  
through 100, inclusive,

17 Defendants.  
18

Case No. 10cv2133 BTM(WVG)

**ORDER GRANTING MOTION TO  
STAY CASE PENDING DECISION  
OF THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION TO  
CONSOLIDATE AND TRANSFER  
TAG-ALONG ACTION**

19 Defendant has filed a motion to stay this case pending a decision by the Judicial Panel  
20 for Multidistrict Litigation ("MDL Panel") whether to transfer this case to the Western District  
21 of Oklahoma and consolidate it into In re: MDL 2048 Cox Enterprises, Inc., Set-Top Cable  
22 Television Box Antitrust Litigation. For the reasons discussed below, Defendant's motion is  
23 **GRANTED.**

24 This action is the subject of a Conditional Transfer Order, conditionally transferring the  
25 case to the Western District of Oklahoma for coordinated or consolidated pretrial proceedings  
26 pursuant to 28 U.S.C. § 1407. Plaintiff has filed a notice of opposition to the Conditional  
27 Transfer Order. Plaintiff's opposition is scheduled for hearing before the MDL Panel on  
28 January 27, 2011.

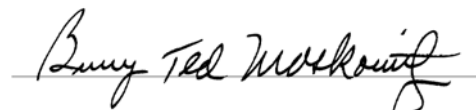
1 In determining whether to issue a stay of proceedings pending transfer proceedings  
2 before the MDL Panel, courts generally consider three factors: (1) potential prejudice to the  
3 non-moving party; (2) hardship and inequity to the moving party if the action is not stayed;  
4 and (3) the judicial resources that would be saved by avoiding duplicative litigation if the  
5 cases are in fact consolidated. Rivers v. Walt Disney Co., 980 F. Supp. 1358, 1360 (C.D.  
6 Cal. 1997).

7 The Court finds that a stay of this case pending a transfer decision by the MDL Panel  
8 would promote judicial economy and avoid the possibility of conflicting rulings. Because it  
9 appears that a ruling on the transfer is imminent, Plaintiff will not suffer any prejudice.  
10 Plaintiff's arguments regarding whether this case is appropriate for transfer are better  
11 directed to the MDL Panel.

12 The Court **GRANTS** Defendant's motion to stay these proceedings pending a transfer  
13 decision by the MDL Panel. This case is **STAYED** until further order of the Court.

14 **IT IS SO ORDERED.**

15 DATED: December 30, 2010

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18 Honorable Barry Ted Moskowitz  
United States District Judge